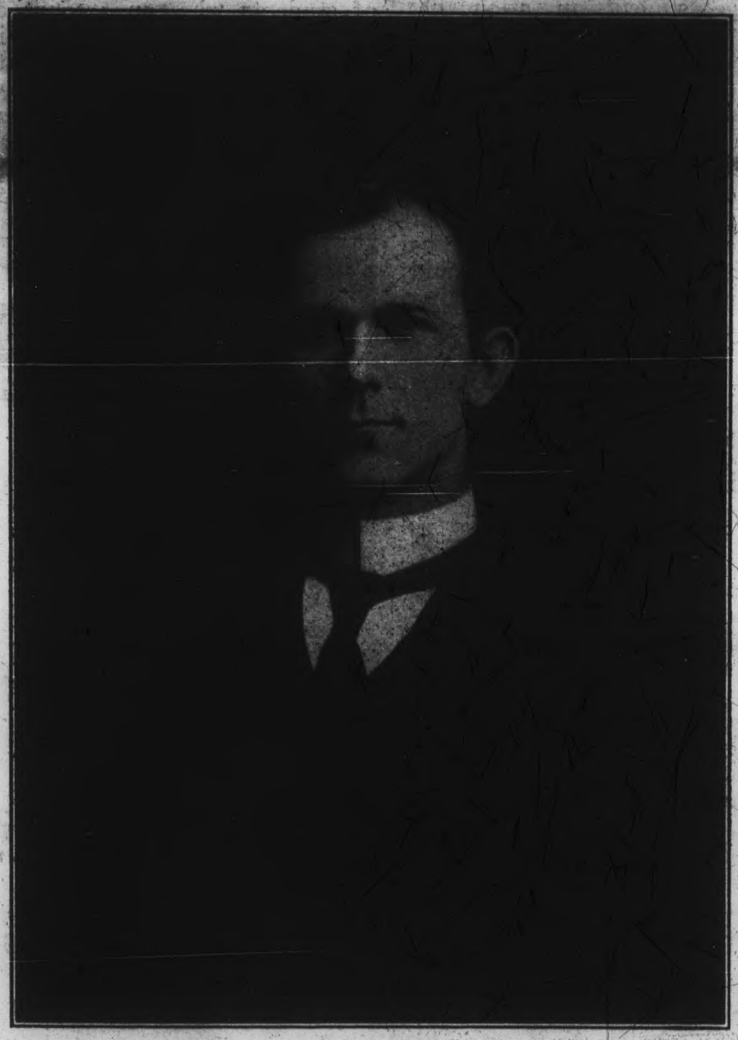
# THE UNIVERSITY HATCHET

Published Weekly by the Students of The George Washington University.

VOLUME IV | WASHINGTON. D. C., APRIL 15, 1908. | NUMBER 26




## SPECIAL LAW ISSUE



WILLIAM REYNOLDS VANCE

MEN WHO ARE MAKING OUR LAW SCHOOL

JAMES BROWN SCOTT

## PROGRESS IN THE LAW SCHOOL.

(BY WILLIAM REYNOLDS VANCE.)

Frequent and far-reaching changes in the work of any institution of learning are deprecated as indicating that the institution is administered upon empirical lines rather than in accordance with any fixed principle of consistent development. It must be admitted that the changes in the Law School during the last ten years have been so frequent as to call for explanation. Such an explanation, however, will show that all the changes made have been in the line of definite progress toward a definite goal, and their frequency is due to the earnest desire to expedite this progress as greatly as possible rather than to any vacillation in purpose.

The students and alumni of the University must bear in mind that the Law School of this University, not more than ten years ago, was simply a night school, differing from the numerous other night law schools in our great cities only in the unusually high character and distinguished positions of the members of the faculty. In the educational world, it was classed with the night schools. In other words, it was an inferior school of law and generally recognized as such. In 1898, it was determined that the character of the law school should be changed and its standard of work so elevated as to make it worthy of respect in the educational world and of a place as a department of the greater university of national scope which the then Columbian University proposed to become.

The successful attainment of such an ambition for the Law School necessitated vigorous and significant measures. The first change proposed, and finally effected after considerable opposition, was increasing the length of the course from two years, as it then was, to three. The reason for this change was quickly justified, both in the increased thoroughness of the work done and in the increased attendance of students. The next change, made in 1901, was to transfer all of the lectures from the evening hours, after dinner, to the afternoon hours between 4:30 and 6:30. This change also greatly benefited the Law School in that it left the entire evening after dinner open to students for study, thus much improving the quality of work done by the law students, and also raised the Law School from the much depreciated class of night schools.

The next important change made was the introduction into the faculty of several trained professional teachers who should give their undivided time and energy to the work of legal instruction. This change was made in recognition of the fact that lawyers who are subject to the absorbing demands of a large practice, or judges who are burdened with the onerous labors of the bench, however able, experienced and distinguished they may be, cannot carry on the work of instruction in law with as great a degree of skill and thoroughness as can those who have been specially trained to teach and who can devote their whole strength and energy to their work in the classroom. The result of these several changes was a marked advance in efficiency and reputation, as well as in the number of students in attendance. But it was observed that, notwithstanding the excellent work done by these late afternoon classes, the standard of work done in the class-room was still considerably below what must be maintained in order to justify the hope of the friends of the University, that the Law School would secure recognition as one of the leading law schools of the country. The standard set for the work of the students was necessarily still the amount of work that could be done by the average student in attendance upon the afternoon classes, that is, the amount of work that could be done by a young man in such time as remained in each day after the hours of work required by the Government. On the other hand, it was recognized that the standard of efficiency in the great law schools of the country was the amount of work that could be done by a young man giving his whole time to the study of law.

The authorities of the Law School thus found themselves confronted with these alternatives: the Law School of the George Washington University must either be content with maintaining a lower standard of work, or must so change its scheme of instruction as to bring the standard up to the level of that maintained in other first class law schools. Naturally enough, the latter alternative was chosen and some of the lectures were placed in the forenoon hours, so that they would be available for those students who were not under the necessity of spending part of their time in outside employment. The total amount of work required for the Bachelor's degree was then so greatly increased that it could be taken by full day students in three years, but would require four years for completion by afternoon students. This scheme, inaugurated in 1906, by which a part of the classes were given in the forenoon and a part in the afternoon, in alternating years, was continued during the sessions 1906-'07 and 1907-'08. This change has had an excellent effect in improving the efficiency of the work in the class-room, but it has been found not fully to satisfy the needs of that large and very excellent body of students who, on account of service in the Government, or in other employment, are unable to attend lectures in the forenoon hours. It was seen that a more adequate provision was needed for these afternoon students.

With a view to making such

provision, a further and last change has been made to this effect: Beginning with next session, 1908-'09, a separate, but complete, course to be given in the afternoon, will be provided for the afternoon students, while the full-day students will have practically all of their work given them during the forenoon hours, that is, from nine in the morning until one o'clock in the afternoon. The full-day students will be required to take fourteen hours a week and, after three years, will be eligible to the degree of Bachelor of Laws. The afternoon students, on the other hand, will be required to take only ten hours each week and, after three years, will be eligible to the degree of Bahcelor of Law (B.L.), or by continuing through the fourth year, the afternoon students may receive the standard degree of Bachelor of Laws (LL.B.).

The result of this proposed change will be to give to those students who are not in a position to devote their whole time and strength to the study of law, a course that will fully occupy their time and which will be equal both in extent and in thoroughness of presentation to the work offered in other first class law schools. In completing this course the afternoon student will secure careful and thorough instruction in those fundamental subjects that are necessary to qualify him for admission to the bar and will be permitted, after three years, to take his place among the graduates of the University. He will also be in a position, if he is so situated that he can devote the time necessary for it, to continue his studies and receive the regular standard degree, which he may feel assured represents work equal in amount and character to that for which the degree of Bachelor of Laws stands in the best law schools of this country. Thus, it is believed, adequate provision is made for both classes of students which the Law School is earnestly desirous of attracting; first, those who come from all parts of the country to the Law School solely for the purpose of securing adequate instruction in law; secondly, the large class of young men who find it necessary to secure employment of some kind in the city in order to meet the expenses of their legal education.

It goes without saying that any young man who takes up the study of law should have had a liberal preliminary education. Harvard, Columbia and Chicago now require that their students in law shall have first received an academic degree. The George Washington University does not propose to push its requirements quite so far, but will require after next session that candidates for the regular degree of Bachelor of Laws shall have had two years of college work before taking up

(Continued on page four.)

# The University Hatchet

(INCORPORATED)

Published every Wednesday in the interests of The George Washington University.

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SUBSCRIPTION RATES:

The Year, in advance.....$1.25
The Year, if paid after Dec. 1..... 1.50
The Copy ..... .10

Single copies for sale at the University Cigar Store of S. J. McMichael, 810 14th St. N.W., or at the Hatchet Office, Room 11, Administration Building. Office hours, 1 to 3, 6:30 to 7.

Entered as second-class matter Oct. 5, 1906, at the Postoffice at Washington, D. C., under the Act of Congress of March 3, 1879.


WEDNESDAY, APRIL 15, 1908.

Owing to the Easter holidays there will be no issue of the Hatchet next week.

The University Hatchet takes great pleasure in announcing to its readers that on the 21st of this month will occur the wedding of Miss Florence Chapman Holbrooke, of Lawrence, Long Island, to Mr. Edward Sampson Thurston, professor of law in The George Washington University. The wedding ceremony will take place, at high noon of that date at Saint John's Church, in Far Rockaway, Long Island. Professor Thurston is just completing his second year of instruction in law at this University and is beloved by his fellow-members of the faculty and by the students, not only for his considerable ability in teaching the law, but also for his kindly and winning personality. Mr. Thurston was graduated from Harvard College in the year 1897, later receiving his A. M. from the same institution. He was awarded the degree of LL. B. from the Harvard Law School in 1901.

In attendance at the marriage ceremony from the Law School will be Dean of the Law School and Mrs. William R. Vance, Professor Ernest G. Lorenzen and Professor William C. Dennis.

The Hatchet extends its sincerest congratulations and well wishes to Professor and Mrs. Thurston.

"I'd be ashamed to go around begging," said the prosperous citizen.

"Takes all kinds uv peeple t' make a world," rejoined the hobo. "Here you is too proud t' beg, an' I'm too proud t' work."

## PROGRESS IN THE LAW SCHOOL.

(Continued from page three.)

their legal studies. In order to make provision, however, for the possible Marshall or Lincoln who has the capability of becoming a successful and useful lawyer, but is lacking in preliminary education, it is provided that young men having a high school education may be admitted as special students and then graduated if their average grade during their three years in the Law School shall be above eighty per cent. It is also provided that the requirement of two years in college shall not apply to candidates for the B.L. degree.

Changes and reforms are always more or less unpleasant, but the students and alumni of the University will readily perceive that all of the changes made have been in the interest of the students and with the constant purpose of so raising the standards and the reputation of the George Washington University Law School that any one holding its degree may feel that it will prove a distinction to him in whatever company he may find himself. The Law School has the opportunity to acquire a national significance and to secure a patronage that shall be national in its scope, but in order to realize this opportunity it must secure national recognition, and that it can never do unless in every sense of the term it is worthy of such recognition, because of the honesty, thoroughness and efficiency of its work.

W. R. VANCE.

The present issue of the Hatchet is devoted almost exclusively to the interests of the Law Department. So much material for the issue was submitted that it has been found necessary to postpone the publication of several excellent articles until the next issue.

There will be a meeting of the Association of Class Presidents May 2, 1908, at 7 o'clock in Room No. 1 of the Medical School. This is for the purpose of electing the Editor-in-Chief and Business Manager of Cherry Tree. At the meeting April 11, 1908, the following classes were not represented:

Senior Law.
Sophomore Law.
Senior Medicine.
Junior Medicine.
Sophomore Medicine.
Freshman Medicine, 1911.
Freshman Medicine, 1909.
Senior Dentistry.

Smythe—I believe the police are to wear white gloves.

Bjones—They should wear red ones.

Smythe—Why?

Bjones—So they could catch their prisoners red-handed.



## "The Cherry Tree"

*The Cherry Tree will be placed on sale Tuesday, April 21, in the Law, and Medical Schools and in the Publications Office, Administration Building.*

*Those who have subscribed may obtain their copies at that time. Others wishing to purchase copies are advised to apply early, as the number of books printed only slightly exceeds the number subscribed for.*

## THE HISTORY OF THE LAW SCHOOL.

(By Rexford L. Holmes.)

The history of law schools, as of nations, would seem to be composed of epochs or periods: The formative period, the period of development and the period of accomplishment. As a nation we have long ago passed from the first or formative period into the time of development; as a University, our institution has, likewise, left the epoch of chrystallization, and is now reveling in a magnificent and highly successful period of accomplishment. It is, indeed, a matter for gratification on the part of those students at The George Washington University during the last several years, that it has been their privilege to take an active interest in the present lively growth of the institution, and to feel, as it were, the throb of the inner workings of the great educational machine known as the University, while this work of development has been going on. It is not the purpose of this article, however, to go into a detailed account of the growth of The George Washington University into a great institution, nor to discuss the reasons for the change, nor yet the probable results. All of these matters are to be taken up thoroughly in articles appearing elsewhere in this issue of the *Hatchet*, written by President Needham, Dean Vance, and others. Rather is it the purpose, or perhaps I should say the privilege, here to present a mere "gossipy history" of the Law Department of the school, and to consider, briefly, the past of the institution, its present facilities for legal instruction, and, perhaps, to venture just a trifle into prediction for the future of the Law Department.

There must be a beginning to all things—even law schools, and it is well, indeed, if the start can be an auspicious one. Such a beginning had the legal department of The George Washington University, away back, forty-two years ago, and thus the Law Deparment of G. W. U. constituted itself the oldest school of law in the city of Washington. The Law School did not make the mistake of being too ambitious at the very outset, and required at first but two years of study for the granting of the LL.B. degree. Ten years ago, however, the course of instruction was enlarged to include three years of the study of law. Along with this expansion in its course, the faculty of the University Law Department was also increased, and, of course, the student body was fast becoming larger as the years went by.

In June of 1903 the Board of Trustees resolved upon the policy of putting in charge of permanent or resident professors all of those branches in the legal curriculum which are known as "the fundamental subjects of substantive law." These permanent teachers were to devote their entire time to the work of legal instruction; and this wise policy of the maintenance of resident professors is still continued in the Law Department.

In the year 1877 the degree of Master of Laws was first provided for, by adding to the law course a year of graduate work, for those students who wished to avail themselves of such opportunity. Three years ago, also, a special graduate course covering a period of three years was inaugurated, this additional work being rewarded with the degree of Doctor of Jurisprudence. Again, in 1895, a special course in Patent Law was established.

The Department of Jurisprudence and Diplomacy was formal-

ly added to the University as a separate department in June, 1898, the new department being opened on November 15, 1898.

In 1904 another addition was made to the institution, in the shape of a readjustment of the graduate work in the University, resulting in the establishment of the Departments of Law and of Politics and Diplomacy (now known as the College of the Political Sciences). The Department of Law embraced the undergraduate course in municipal law and graduate courses in the broader fields of general law, while the Department of Politics and Diplomacy had within its curriculum those graduate and undergraduate courses in the political sciences, special attention being given to diplomacy.

The Law Department would hardly be human did it not look forward with a great longing, and yearn for the days when it will be a part of the new and greater George Washington University which is certain to come. But though the department may thus dream just a little of great, campus-surrounded buildings, (in which, however, it will probably not be ensconsed, owing to the fact that the Law Department must necessarily remain near the business district,) it is cheerfully content with its present good equipment in the way of housing.

The law building is a well-constructed, two-story structure, located on H street, near Fifteenth, and immediately adjoining the main University building, at the corner of 15th and H streets. "Law Lecture Hall" was dedicated on January 3, 1899, and was designed especially for the work of this department. The building contains several class rooms and offices for the professors of the law school. An office on the first floor is occupied by Dean C. W. A. Veditz, of the new College of the Political Sciences, and another office on the first floor "contains" Dean William R. Vance, of the Law Department. The latter's secretary has a small office adjoining that of Professor Vance. Many of the classes in the College of the Political Sciences meet in the law building, in addition to the classes in law. On the second floor, Professor Lorenzen and Professor Thurston have their offices. On this floor, too, is Hall A, also another good-sized classroom, and the office of the clerk of the moot-courts. On the third and upper floor of the building are two class rooms, devoted, on Wednesday afternoons, to moot-court work. These rooms are fitted up with judge's rostrum and clerk's desk, and appear very much like real halls of justice. Hall space is more ample on this floor, and this is therefore the frequent meeting place, of an afternoon or evening, of those students deeply learned in the law and the qualities of meerschaum and briar-wood. Here it is that moot-court partners concoct their diabolical schemes wherewith they hope to win an approaching case; here it is, also, that the fellows try (but in vain) to discover why "they" wanted to put half the cases into "Trusts" that are to be found there; and it is in this hall, too, that class election schemes are hatched, and fraternity socials discussed; where pipes are smoked, and girls not even thought of!

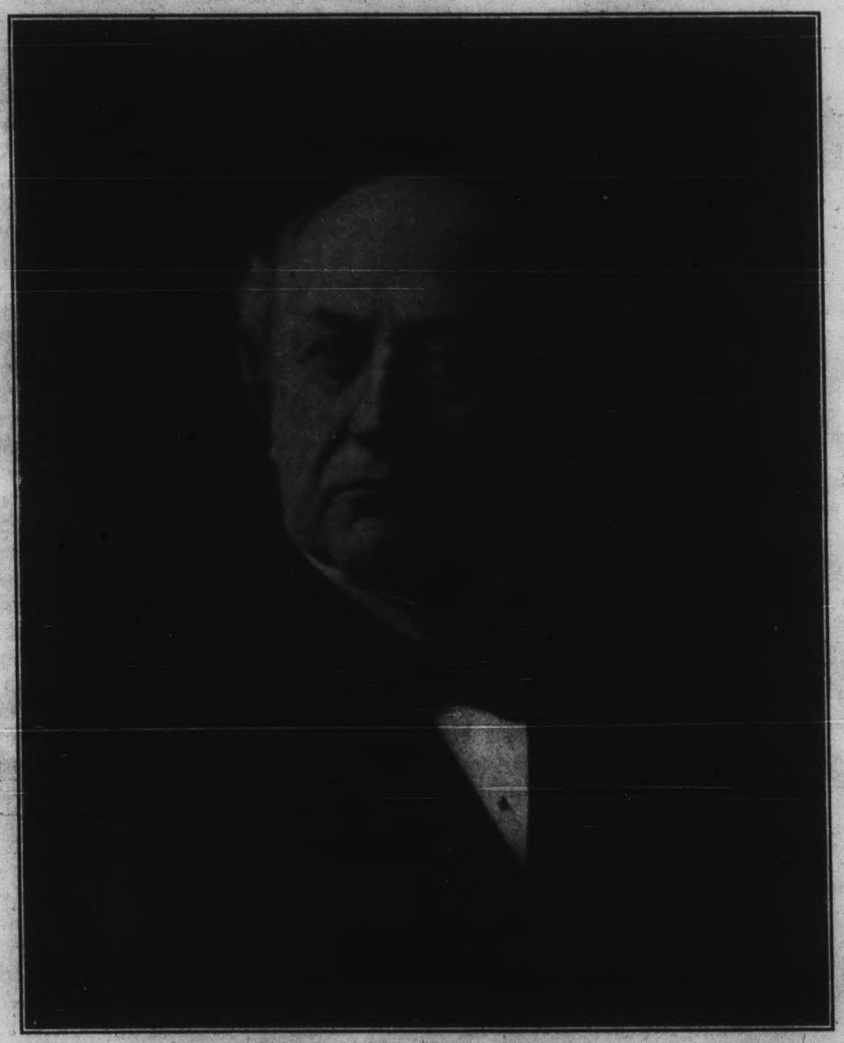
This interesting though not extensive hallway leads into the library, a vast room well equipped with comfortable chairs and great tables, over which large sheepskin covered books and ponderous calf-skin covered feet are spread in continuous and indiscriminate array. The library itself contains some 5,200 volumes, and is up-to-date in every respect. A fee of two dollars a year is charged each man in the Law School for the use of the books and library privileges, and the men consider the money well spent. A librarian is constantly in charge to aid students in locating reference books and to maintain order.

So much for the house in which the law school lives and has its being.

But ample and commodious quarters can not, alone and unaided, make a school of law successful. There is needed also that which can not be constructed from bricks and mortar, or by the workman's skill. In other words, *it isn't the "clothes" that make a law school, but it's the law school inside the "clothes" that counts.*

It is submitted here, without the fear of successful contradiction, that The George Washington University Law School is good enough for its raiment, and will be good enough for even more highly-priced, "swaggier" clothes when the new University and perhaps even a new down-town law building is no longer a dream, but an accomplished fact.

Various elements have combined to make of the school a successful institution. Perhaps the strongest and most potent factor is an excellent faculty. What shall I say of the long list of able and learned professors and assistant professors of law who are members of the faculty of the Law Department? Here are the names, that the reader may judge of the merits of the law faculty for himself:



DAVID J. BREWER.

Charles Willis Needham, D. D., President of the University; William Reynolds Vance, Ph. D., LL. B., Dean of the faculty; Justice John M. Harlan, LL. D., Associate Justice, U. S. Supreme Court; Justice David J. Brewer, LL. D., Associate Justice, U. S. Supreme Court; Melville Church, LL. M.; Walter C. Clephane, LL. M.; Edwin C. Brandenburg, LL. M.; Arthur Peter, LL. M.; Henry P. Blair, LL. M.; Judge Stanton J. Peelle, LL. D., Chief Justice, U. S. Court of Claims; John Paul Earnest, A. M., LL. M.; Ernest G. Lorenzen, Ph. B., LL. B., J. U. D.; Dr. James Brown Scott, M. A., J. U. D., Solicitor for the Department of State, and technical delegate from the United States to the recent Hague Conference; William Cullen Dennis, A. M., LL. B., Assistant Solicitor for the Department of State; Edward Sampson Thurston, A. M., LL. B.; Joshua Reuben Clark, Jr., B. S., LL. B., Assistant Solicitor for the Department of State; John Wilmer Latimer, LL. B.; Otis D. Swett, B. S., LL. M., secretary of the faculty and registrar of the University; William F. Mattingly, LL. D., Chief Justice of the Court of Appeals of the District of Columbia; John B. Larner, LL. B., Associate Justice of the Court of Appeals of the District of Columbia; A. A. Hoehling, Jr., LL. B., Associate Justice of the Court of Appeals of the District of Columbia; Josiah A. Van Orsdell, LL. D., and Wendell Phillips Stafford, LL. D.

The adjective law of the University is in the hands of professors who are engaged in the actual practice of the law in the District of Columbia, and this is an important factor to be considered when dealing with the causes of the success of the Law Department. The moot-court work is also highly beneficial to the students, and is compulsory, both in the senior year of the course, looking towards the degree of LL. B., and in the graduate work. Another branch of the adjective law which is highly interesting and practical is the course in Legal Tactics, offered by Professor Walter C. Clephane, a prominent attorney of Washington, D. C. The relations between attorney and client are taken up, including the important subject of fees; legal ethics are discussed; the students are told how to prepare their evidence for cases; how far they may rightfully go in preliminary catechising of their witnesses before the actual trial begins; and how to draw up legal papers, contracts, and wills. The student is instructed also how to listen intelligently to the grievances of his client, and in the art of preparing his pleadings.

Again, the excellent debating facilities afford splendid training for the young lawyer. The Columbian and Needham debating societies are strong forensic clubs and a friendly rivalry for yearly honors in inter-society debate exists between them. These societies meet one night each week in the Law School. The University Congress is also well adapted for the needs of the young man entering upon the legal profession. It is modeled after the Congress of the United States, a speaker is chosen, political divisions in seating of members is observed, bills are introduced, and fierce battles of oratory and argument are waged. This last named society continues its sessions one night each week throughout the summer months,

and is open to any member of the student body or alumni of the entire University.

Several prizes are offered to students competing in essay writing and in debate, and thus another feature is added to the many that go to make up a strong Law Department.

All these are only some of the many factors that have tended to make the Law Department of G. W. U. a success.

It was hinted, at the beginning of this article, that, after discussing the history and present conditions of the Law Department, we might venture just a trifle into prediction for the future of the law school; but, perhaps, that will now hardly be necessary. Those indulgent readers who are not students of the Law Department, after reading of the marvellous growth of the Law School and the wonderful facilities which it offers for legal study, will have already made up their minds that the future of the Department of Law is indeed bright; while those readers who are already students of law in the University have never had even the slightest doubt but that the Law School of The George Washington University is to achieve its place at the very head of American law schools.

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## UNIVERSITY ATHLETICS FROM THE STANDPOINT OF THE LAW STUDENTS.

(BY WILLIAM KEMPER WEST, '08.)

This article, as the title indicates, is not to be taken as an attempt to discuss the general athletic problem which confronts our University at present, but is intended rather to analyze and treat the athletic question frankly from the standpoint of the law student body, laying aside that frequent form of hysteria, denominated the "'rah, 'rah, 'varsity" spirit.

Limiting the scope of the discussion still further, we must agree that it would not be warranted by the conditions in the school to assume that one point of view can be ascribed to the entire student body of the Law Department. There are two classes of men attending the law school under widely differing circumstances, and, while it may be properly said that at present the sentiment of both of these classes of men on the subject of athletics is substantially the same, yet it is apparent that this merely happens to be so. This unanimity of opinion, in other words, is somewhat in the nature of a coincidence, for the point of view which one of these classes of men holds as a matter of course, is by no means a matter of course with the other class of students.

For purposes of identification, let us say that class one is made up of those men in the Law School who devote their entire time to their legal work. The men of this class have been drawn to the school by the new policies recently adopted by the University, so that it may be that their number has just commenced to grow and will continue to increase until they make up the bulk of the student body in the Law School. Up until the last year or so, however, the overwhelming majority of the men in the law school have taken their law work in addition to regular employment sufficient to fill the average man's working day. This class of men we will call class two. And today, while the majority by which this class of men prevails in the Law School has decreased appreciably, it still forms the bulk of the law student body. The men in class one have the time but, thus far, very few have manifested an inclination to participate in University athletics, with a few exceptions. The men of class two, when they have conscientiously tried to do the work outlined in the Law School, have had no time for athletics. In fact, athletics may more properly be said to have been tolerated rather than endorsed by them. And so, as we are discussing a present question, the only satisfactory point of view which we can adopt is that of the class of men which has and does prevail in the Law School, and of which there will continue to come into the school each year an approximately fixed number. The adoption of this point of view is the more logical, just now, by reason of the fact that the men of class one, who might on theory be expected to disagree with it, do as a matter of fact endorse it almost unanimously. We may conclude, then, that the consensus of opinion among the law students at the present time is to the effect that they either have not the time to devote to a participation in athletics, or, if they have the time, they are not inclined to do so.

It follows then that since the law students have neither the time nor the inclination to participate in athletics, the causes which have ordinarily led to the institution and maintenance of athletics in universities, i. e., their enjoyment as a form of recreation and their use as physical training, do not exist in our Law School. There is, in short, no actual desire or demand among the law students at George Washington to have athletics maintained for athletics' sake. It does not follow, however, that the student body of the Law School should refuse to lend their support to athletics, for the time being, at any rate.

There are two reasons for this paradoxical statement. In the first place, the circumstances which surrounded the severance of athletic relations with Georgetown make it impossible for George Washington to retire from the field of athletics just now, without having such retirement generally construed as an admission, and it would certainly be an humiliating one, that we cannot maintain athletics unless we have the "income from the Georgetown games." This, however, is of course only a temporary restraint on our freedom to drop athletics, and two years' maintenance of athletics will amply remove such restraint. The second consideration is of a more lasting character than the first, although, from a sportsman's point of view, it is probably entitled to no more weight. It is, however, probably the most powerful inducement influencing the majority of American colleges and universties to maintain athletics as they now exist in most of our institutions. This consideration is, that athletics cause the name of the institution in which they have a place to be more widely known, or, to get down to the plain commercial incentive, athletics are "good advertising." Boys plan to go to a school which has a widely known baseball or football team; alumni want the name of the institution which has given them their degree and from which they hold a diploma, to be widely known; it gives the fact that they graduated from that institution a commercial value. Athletics as they exist in our schools to-day serve as the rallying ground for a great many demonstrations of enthusiasm, and of loyalty, and of other fine and heroic sentiments, but these are the consequences; the impelling reason for their existence is their commercial, or, more mildly, their practical potentiality.

As for the first of these considerations, since our University is in the position where it cannot withdraw from athletics without an undue loss in prestige, in view of Georgetown's boast that George Washington would be unable to continue athletics when the income from the Georgetown games should be lost, the student body of the Law School should see to it that their fair share of support is forthcoming until this disability shall have been outlived. This obligation takes on peculiar force, when it is considered that seven years ago, when athletics in the University were practically dead, they were revived largely through the efforts of men in the Law Department; that law men had a large share in initiating this revival and bore almost the entire burden of carrying on the teams of 1901 and 1902; and that if the law students had not at that time been so eager for athletics, there would in all probability have been no team to frighten Georgetown last fall—certainly no team capable of doing it. And so the student body of the Law School should recognize that it has, in a manner, succeeded to a certain responsibility, and should see to it that this responsibility is properly discharged. If, after we shall have demonstrated our ability to maintain athletics in-

dependently of Georgetown's contribution to our finances, the students of the Law School do not feel inclined to lend their support to University athletics any longer, they should so express themselves, but for the present, it would seem that both as an integral part of the University and also as successors to those who have largely induced the present situation, they should feel that they are not at liberty to withdraw that support.

As for the second consideration, it might be well for those interested in the University to think it over while we are living down the first. Take one of our modern American universities: Forty men on the football squad, fifty out for track work, twenty for the crews, twenty-five for baseball, and forty more for lacrosse, etcetra. Not one hundred and seventy-five men indulging in the recognized athletics of the institution, which to maintain such a variety has probably from three to four thousand students. Are such athletics student activities? Do they offer the students of the school, as school institutions, any field for recreation or training? Athletics in most of our colleges and universities affect the average student only in that they afford him occasional spectacles; otherwise, they constitute no part of his experience, And so it may safely be said that to-day athletics really form no part of the student life, other than before noted, but that their real raison d'etre is that they are a drawing card for and an advertisement of the institution to which they belong. And this consideration has been sufficient to actuate a majority of the schools of the country to institute and maintain athletics; certainly it was the motive which had most to do with the revival of athletics in this University six years ago. Shall it influence us two years hence to continue athletics?

Assuming, then, that we feel that for the present the University must continue in athletics and that the law students, although not having the time nor inclination to participate therein, recognize their obligation to render their fair proportion of assistance to that end, the question is, "of what shall that fair proportion of assistance consist?" Shall the student body of the Law School hand out a mathematically computed percentage of the estimated expenses and then retire from the troublous scene of athletic management? There are very few men who can do more. If this is true of any appreciable percentage of the men in the other departments of the University, is it not time for us to follow the lead of Brown and Northwestern Universities and face the problem of amateurism in America frankly? The old English idea of athletics which is the present basis of our rules governing amateur athletics, was that two classes of men engaged in them, that is, gentlemen and those who were not gentlemen. The gentlemen were amateurs and did not work; the others were professionals and worked. Both in England and America, the idea that gentlemen do not work has been discarded. In America, we have to a degree discarded the idea that professional athletes can not be gentlemen. At any rate, in America, the fact that a man works, has worked, or intends to work, is no bar to his becoming an amateur athlete. At many of our schools a man is encouraged to work his way through at any sort of task he can find to do and then, if he has time, is encouraged to go into athletics. Certainly, the fact that he does work his way through would be no bar to his going into athletics. Why should the man whose qualifications are the grit and determination he has to show when he works his way through college by doing a scullion's work, be preferred to the man with the grit and endurance required in a gruelling football game, or the initiative, quickness and versatility required in all kinds of athletics. If the public and the student world demand athletic contests why is not the work of supplying that demand as proper a source of income to the man who can do it well, as the work of supplying the demand for clean dishes? Provided, always, that athletics, to remain in the University, should be required to come up to a fixed standard of scholarship, there would seem to be no logical argument against the stand taken by the alumni of Brown University in offering to athletes of ability reasonable compensation for their services, and it would certainly seem to be the height of ancient and misguided prejudice to continue to refuse to allow men who accept compensation for their services as athletes during vacation, to participate in them in school.

The above is not intended as an argument for or against any policy in athletics, but is merely an attempt to reduce our own problem to its most simple terms and then to suggest certain ideas which are growing, or seem to the writer to be growing, on those who control athletics in our different universities, as a possible solution of our difficulties here.

Sure it is, that athletics at George Washington just now are about as forced and unnatural a growth as was ever stimulated by "hot-air."

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**PROFESSIONAL ETHICS.**

That the ethics of the legal profession are not always understood, or if understood, are not always practiced, will be apparent to any one who has followed the proceedings of the American Bar Association during the past few years. That distinguished organization, in order to check, somewhat, the commercial spirit which seems to be creeping into the ranks of the lawyers, appointed a committee, of which the Hon. Henry St. George Tucker, former Dean of our own Law Department, is the chairman, to report to the association upon the "advisability and practicability" of the adoption of a code of rules upon the subject. The reports submitted by this committee in 1906 and 1907 are full of interesting matter. From them it will appear that such a code is both advisable and practicable.

The committee says:

"Our profession is necessarily the keystone of the republican arch of government. Weaken this keystone by allowing it to be increasingly subject to the corroding and demoralizing influence of those who are controlled by graft, greed and gain, or other unworthy motive, and sooner or later the arch must fall. It follows that the future of the republic depends upon our maintenance of the shrine of justice pure and unsullied. We know it cannot be so maintained unless the conduct and motives of the members of our profession, of those who are the high-priests of justice, are what they ought to be. It therefore becomes our plain and simple duty, our patriotic duty, to use our influence in every legitimate way to help make the American Bar what it ought to be."

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"With the marvelous growth and development of our country and its resources, with the ranks

of our profession ever extending, its fields of activities ever widening, the lawyer's opportunities for good and evil are correspondingly enlarged, and the limits have not been reached. We cannot be blind to the fact that, however high may be the motives of some, the trend of many is away from the ideals of the past, and the tendency more and more to reduce our high calling to the level of a trade, to a mere means of livelihood, or of personal aggrandizement. With the influx of increasing numbers, who seek admission to the profession, mainly for its emoluments, have come new and changed conditions. Once possible ostracism by professional brethren was sufficient to keep from serious error the practitioner with no fixed ideals of ethical conduct; but now the shyster, the barratrously inclined, the ambulance chaser, the member of the Bar with a system of runners, pursue their nefarious methods with no check save the rope of sand of moral suasion so long as they stop short of actual fraud, and violate no criminal law. These men believe themselves immune, the good or bad esteem of their colaborers is nothing to them, provided their itching fingers are not thereby stayed in their eager quest for lucre. Much as we regret to acknowledge it, we know such men are in our midst. Never having realized or grasped that indefinable ethical something which is the soul and spirit of law and justice, they not only lower the *morale* within the profession, but they debase our high calling in the eyes of the public. Thy hamper the administration, and even at times subvert the ends of justice. Such men are enemies of the republic; not true ministers of her courts of justice robed in the priestly garments of truth, honor, and integrity. All such are unworthy of a place upon the rolls of the great and noble profession of the law."

The committee shows that codes of ethics have already been adopted by the bar associations of the following States: Alabama, Georgia, Virginia, Michigan, Colorado, North Carolina, Wisconsin, West Virginia, Maryland, Kentucky and Missouri, and that in Washington, California, Oregon and other code States, some brief but admirable canons have been inserted in the oath to be administered on admission to the Bar, and disbarment has been provided for their wilful violation. These canons have been taken almost verbatim from the oath for advocates prescribed by the laws of the Swiss canton of Geneva, which is as follows:

"I swear before God,

"To be faithful to the republic and the canton of Geneva;

"Never to depart from the respect due to the tribunals and authorities;

Never to counsel or maintain a cause which does not appear to be just or equitable, unless it be the defence of an accused person;

"Never to employ knowingly, for the purpose of maintaining the causes confided to me, any means contrary to truth, and never to seek to mislead the judges by any artifice or false statement of fact or law;

"To abstain from all offensive personality, and to advance no fact contrary to the honor or reputation of the parties, if it be not indispensable to the cause with which I may be charged;

"Not to encourage either the commencement or the continuance of a suit from any motive of passion or interest;

"Not to reject, for any considerations personal to myself, the cause of the weak, the stranger, or the oppressed."

The subjects usually embraced within the codes include these following: Criticism of the court; candor and fairness in dealings between attorneys and with the Court; limit of attorney's duty in defending a case; champerty and maintenance; advertising; confidential communications; dealing with trust property; fees; treatment of witnesses, etc.

The reports of Mr. Tucker's committee have excited widespread attention among the bar, and would well repay a careful perual by every lawyer and law student.

### A WORD FROM PRESIDENT NEEDHAM.

The Law Department was the first school in which I gave my entire time as a teacher. There is no department of the University in which I feel a deeper interest, or to which I give more thought. Its true welfare and steady advancement is my constant aim. From the beginning of my connection with it I have had but one wish and have striven for but one goal, and that is to make a model law school—one where law is taught as a science by the best teachers and the best methods.

Law is a science. It is not what is sometimes called a fixed or determined science—that is, a body of facts or knowledge that is unchangeable. Law is necessarily a progressive science. Condifions in life are constantly changing and becoming more complex, and rules of conduct must be changed or modified to meet the new conditions; this certainly is true of formulated law. Back of formulated rules there is the reason of the rule—the principle which the rule undertakes to make prevalent. The true method of study, therefore, must be to find the reason and the principle, and through a careful analysis of each and a close observance of the application and operation of a rule, together with a comparative view of other rules which must also have free and full operation, arrive at a sound and well-grounded knowledge of the law. There is also the art of applying rules of action to conduct and affairs. This certainly cannot be acquired by memorizing texts or maxims. It can only be obtained by observing the application of the rule to concrete cases —not imagined or moot cases, but actual conduct and real issues.

These observations must suggest to every thoughtful person that, there is, or should be, a scientific method of study that will give to the student a knowledge of the law and at the same time the art of applying it to affairs.

Like every process of education, if not completed in the school, it must be completed after one goes out into life. It would not be true to say that a man can acquire a complete knowledge of all law, or a perfect art of applying law in any school during a three years' course, but he may acquire much knowledge and in doing so learn how to acquire more and do it easily. He may learn the art of applying his knowledge of affairs of life and thus become possessed of skill to deal with unknown facts and conditions as they arise. A man possessed of the principles or science of a profession is a much stronger and a more skilled craftsman than one who has his memory stored with maxims and rules, but knows little or nothing of the reasons for their existence, or the conditions on which they become applicable, or the manner of their application to human affairs. To make lawyers for this busy and strenuous age, with its complex social, political and economic conditions, law schools must be organized and conducted to teach law as a science and to teach it in such a way as to give the student a knowledge of the sources of law and make skilled lawyers. To acquire such knowledge in such a way a man may well afford to spend a year or two longer in the school and go out a trained man. To hurry his course and accept his tuition for an assortment of dogmatic rules formulated in didactic lectures, without knowledge or skill to apply them, is a poor investment. Such a man does not *know* the law, he has simply heard about it. The teacher who feeds the student with a spoon is not a good teacher. A great teacher makes the student work by giving him reasonable tasks, intelligent guidance, and intellectual stimulus. Knowledge is not undigested facts, but assimilated intellectual nutriment, and this is a process that no teacher can perform for the student. The policy of our school is to secure great teachers—men who make a profession of teaching. We want our graduates to be men who know some law and who know where to find all the law; who can state principles of law in their own language and not simply repeat formulas which they do not comprehend.

I remember listening in court to a fine legal argument by one of the ablest lawyers it has ever been my pleasure to know. He stated his propositions and sustained them with a fine line of reasoning which was both clear and convincing. The Judge,—a man who relied much upon precedents and was never sure about the law until he found it stated by some one else in a case identically like the one he was called to decide,—said to this lawyer, "Won't you read me some authorities," to which the distinguished advocate replied, "May it please your Honor, I am here to state the law and not to read books." I do not state this incident to disparage the citation of authorities, but as a plea for independent thinking by trained men. The law must sometimes be

stated without citation of authorities, and the man who can do this will not be a memory-monger but a man with a well-trained and well-stored legal mind. Such a man has a rich possession that cannot be acquired by listening to lectures and guessing at examination questions calling for categorical answers. It is the possession of the diligent who exercise themselves in an honest search for knowledge and give it out in their own language. Great lawyers are not born, they are made in their student years through self-activity, under the guidance of great masters.

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### LAW, 1909.

(BY A MEMBER OF THE CLASS.)

The history of the world has centered about a few great men—men who were expressive of their ages, incarnations of the ideals of their periods, and the most successful practitioners of the theories of their generations. To know them is to know their countrymen. Is it not, then, better that from the many who cheerfully share the burdens and joys of life under the banner of 1909, we should select a few whom we may describe, and praise, and perhaps, alas! blame, in order the better to paint to the eyes of the greater University the life of Law, 1909?

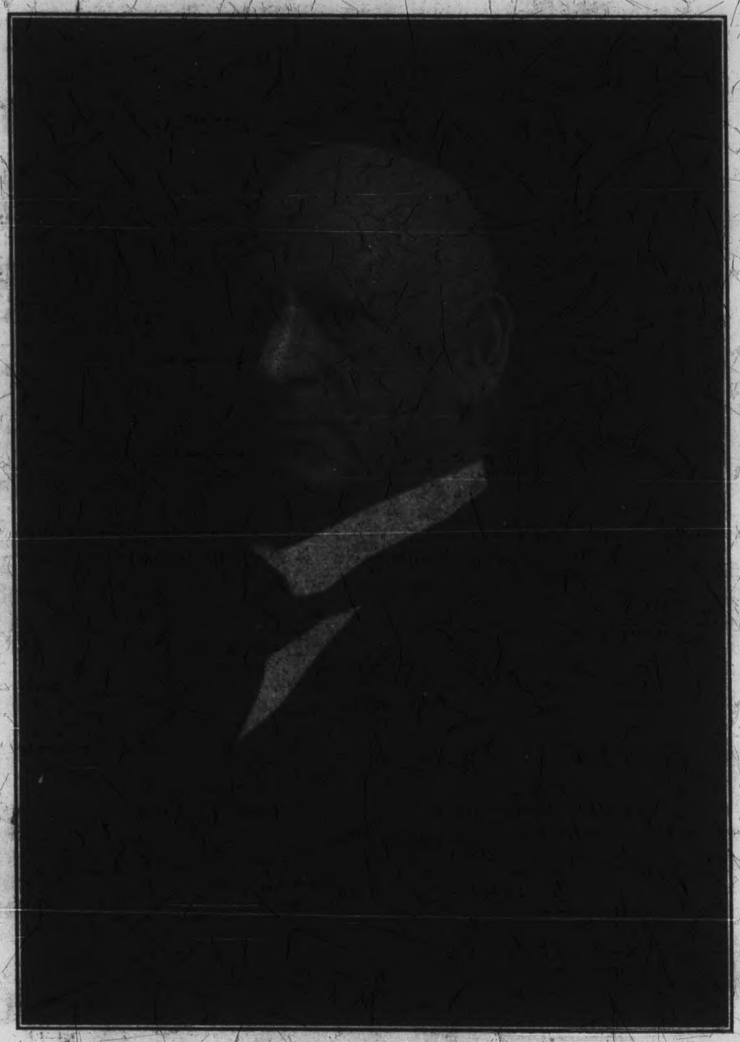
It is true we of '09 entered the University under a new regime, a new system, the results of which had not yet been worked out by the University itself. We were the material for an uncertain experiment, an unknown element dropped into the life of the largest university in the Capital City; and from the seething, boiling combination there developed (that which might indeed have been expected) a precipitation, or shall I say, an ebullition?—of politics. And politics breed leaders—demagogues or statesmen, I dare not choose either word.

Three-fourths of our Freshman year was taken up with an unfortunate political struggle, which, like all contests, brought forth great men. Who will ever forget the dogged persistence of the gentleman from New Jersey, the nervous, yet incredibly tenacious spirit of the deep-voiced political manager of our permanently-temporary chairman, or the quiet, speechless, yet powerful influence of that namesake of the Republican "boss" of our national Senate? And above all, who can but remember the fatherly advice, the calm counsel, and the firm hand of Major Childs, that guided us through the last hours of the tumult into the haven where we found a permanent class organization, and a rest which is not yet broken?

So great, indeed, is the quiet of the second year class in law that only the momentary fame of our athletes, or the fleeting glory of an intersociety debate reveals for an instant the figure of a man, who, wearing the numerals of "Law, 1909," calls to the mind of the University the existence of our class.

Perhaps our athletes are doing most for us at present. We have Johnson and Biddle in basketball, Fontaine and Birney on the track, while 1909 boasts enough stars at baseball to make up the nucleus of a winning University nine itself, provided that the University Athletic Association could sell enough chocolate candy and dainty hand-made cravats to pay off the deficit. Gaines from Tennessee, Gonzales, energetic as player and manager, Scantling, and Biddle, also of managerial fame, are out for the 1908 team, while White and Tenney upheld the honor of 1909 on the football field last year. In debate, too, we have a new arrival, Nyemaster, who promises great things.

These men all stand as evidence of the fact that Law, 1909, is not sleeping, and that its apparent inactivity is only the natural result of maturity. We have put away childish things. The freshness of the breezy conversation of the gentleman from Tennessee has passed away; the noisy learning of "Prof. Ames" is silenced; gone is the "liquid smile" that made all contracts clear, leaving us still wondering what our grades may be. We listen now only to the still, unquenchable stream of interrogatories of Judge Craigin, or sleepily count the number of citations per hour from Cyc and L. R. A. given in Corporations.



JOHN M. HARLAN.

### HISTORY OF FIRST YEAR LAW.

(BY D. H. SHULTZ, '10.)

The president of a class graduating from the Law School some years ago, stated at Convocation, "The history of this class is unwritten yet, because yet unmade. It has but begun." And so it might be said of First Year Law, "Our history has not yet begun," and Senior Law, no doubt, will expect us to respond to this invitation to appear in *The Hatchet*, with a modest, "Naught doing." This article, therefore, must seem to the mighty Seniors to be immodest and presuming, but, inasmuch as it is intended chiefly to convince the Second Year Class that the honors of the year rest entirely with First Year Law, we trust the Seniors will forgive us (they have done it before) for our despoilation of these powerful columns.

In any event, here goes!

The Class of 1910 first began quizzing the law faculty on September 25th, 1907. A few days later a meeting was called to organize the class, but the true spirit of the lawyer having already been infused into our members, the balloting for president resulted in a deadlock. At a second meeting, the following officers were drafted and consented to lead our mighty forces: President, E. Percy Gates; vice-president, John De. Ellis; treasurer, C. F. Black; secretary, J. D. Dodson; and "Cherry Tree" class editor, William C. Van Vleck. These officers soon began to accomplish things, and, after another class meeting, we were adjourned to meet in Gude's Hall, on December 2d, with the result that *The Hatchet* shortly afterwards contained an account of the most successful smoker ever held by a first year class of George Washington.

A resolution adopted at the first meeting of the class innocently provided for a second election of class officers at the end of the first semester. However, on February 14th, the men evidenced their approval of Roosevelt's strenuous policies as carried out by Gates and his cabinet by re-electing the entire ticket for a second term. On the following day, a picture of Law, '10, was taken upon the steps of the old church across the

way—Allee reverently crossing his fingers. This picture is one of the acknowledged works of art in the Law School gallery.

Law, '10, does not want to brag of its feats (it has no defeats); in truth, it does not need to do so. But it does wish to point out that there are a few facts in its history of which it has every just reason to be proud.

The Law Class of 1910 has been a staunch and loyal supporter of all the various University enterprises during the year, first year of the class existence. It has contributed more men to University athletics than any other class in the school, which fact was particularly noticeable on the grid-iron in the fall. Of the fourteen men awarded their coveted "W," four,—Brookes, Crafts, White and Holmes,—were members of First Year Law. Also, at least three of our men would probably have been winners of positions on the baseball team, but for the recent abolition of this branch of athletics. That we are holding our own in the Rooters' Club, the minstrel show, track team, rifle team, etc., need not be added.

Law, '10, has, in addition, taken the Columbian and Needham debating societies, as well as the University Congress, completely by storm. Its men have held nearly all of the offices in these organizations with the exception of the presidency, for which they are made ineligible by the 23rd section of the Unwritten Law. Two of our members won positions in the first inter-society debate, of this year, and two secured places in the second. One man from '10, also, John De. Ellis, is a member of the debating squad scheduled to meet a team from the University of Pennsylvania in a forensic contest this spring.

Shortly after the campaign to raise funds for the athletic deficit was started, a meeting was held at which the needs of the Athletic association were cussed and discussed, and it was voted to tax each member of the class the amount requested by the Council, or one dollar. The class was subsequently canvassed and practically every man signified his willingness to stand by the decision of this meeting. The result was gratifying. First Year Law gave to athletics a larger contribution than any other class in the University, and thus won for itself a reservation of an extra half page in the "*Cherry Tree*," upon which this financial achievement will be recorded.

Last, but not least (?), concerning our actual class work, there is no need to speak. The inquiring ones may be referred to Professor Scott, who surely will say that some of us, at least, cannot be squelched; or to Justice Harlan, who has quite weeded out those whose vocation it is to break stones.

Law, '10, at present numbers sixty-three members, coming from thirty-two States and Territories, Porto Rico and the Philippines, and twenty-nine of this number are full (?) day students. It is a noteworthy fact that thirty-three men, more than half of the class, have received degrees from other educational institutions before entering the Law Department. The following schools are represented by graduates in our Class of 1910: Harvard, Dartmouth, Vermont, Georgia, George Washington, Cincinnati, Union College, Louisiana State University, Bethany College, Massachusetts Institute of Technology, Bowdoin, Williams, Iowa College, Kalamazoo College, Washington and Lee, Pennsylvania Military College, University of Illinois, Mississippi College, Yale, Valparaiso University, Carleton College, Simpson College, University of Nashville, Ohio Normal University, Indian University of Oklahoma, and Butler College.

It occurs to us once more that perhaps, after all, our history, after the manner of Paul Jones's

fighting, has not yet begun. It may be that we have not yet reached the starting point, that we have but faint ideas of what it will disclose and of all it will mean to us, though it does seem that we have made at least a fairly good "get-away." But however it may be as to the beginning, to the end let there be no cries for quarter! May we, all through the course in law, be thoroughly enthused with the spirit so inimitably given expression by the Poet Laureate:

"For my purpose holds
To sail beyond the sunset and the baths
Of all the western stars, until I die.
It may be that the gulfs will wash us down:
It may be we shall touch the Happy Isles,
And see the great Achilles whom we knew.
Tho' much is taken, much abides; and tho'
We are not now that strength which in old days
Moved earth and heaven; that which we are, we are;
One equal temper of heroic hearts
Made weak by time and fate, but strong in will
To strive, to seek, to find and not to yield."

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### RELATION OF LAW TO POLITICAL SCIENCE.

BY CHAS. W. TENNEY.

As the relations between the College of Law and the College of the Political Sciences have been and are so mutually helpful and pleasant, the students of both intermingling in their social life and working side by side, often being enrolled in the same classes, and, as the advantages of Washington to the student of either subject, have been and are admitted by the leading lawyers, educators and statesmen to be superior to those of any other city or locality, it was thought that a treatise, or a series of opinions, dealing with the more theoretical side of the subject would be of interest.

From a lecture, "Political Science and The Age," recently given by Doctor Howard Lee McBain, the following is taken:

"I take it to be a fundamental truth that since political science deals with the facts of government, of sovereignty, and of civil liberty, and since all the more highly developed states of the earth operate to-day through constitutional forms of government, political science must embrace in its concept much of public law—and especially of constitutional law. For it is after all in the written and unwritten constitution of states that we must look to find, first, the fundamental organization of their governments, and, second, the designation of that body which wields supreme power over all individuals and association of individuals within the jurisdiction of the state, that body which can legally alter or abolish the constitution itself—that body which is, in short, the sovereign. Third, it is here, too, that we *ought* to find outlined that sphere of individual liberty—liberty of religion, liberty of speech, libety of the press, liberty of the person, equality before the courts, security in private property—upon which the government itself cannot intrude. I do not say that this protection of civil liberty always *is* found in the law of the constitution, but I do say that the tendency is in that direction, and that if sound political science teaches us anything it is that the immunity of the individual in these respects against the possible tyranny of the government ought to be secured by the express act of the sovereign state in the constitution. At least in America it *is* largely so secured.

To a marked degree, therefore, it is in what we call constitutional law—and I use the term in its broadest possible sense to include the complete organization of political society for every purpose of government—whether legislative, administrative, or judicial, whether central or local in its character—it is in constitutional law in this broad sense that we must seek the doctrines of our science of polities. As Professor Burgess has expressed it, "constitutional law is but the more or less perfect objective realization of the doctrines of political science."

"When political facts and conclusions come into contact with political reason, they awaken in that reason a consciousness of

political ideals not yet realized. Thrown into the form of propositions, these ideals become principles of political science, then articles of political creeds, and at last laws and institutions." If then my promises as to the nature of political science have not been wholly false, it is not difficult to establish the close and intimate relation in which the fundamental principles of this science stand to the development of fundamental law in the modern national state."

Professor W. W. Willoughby, who has charge of the work in Political Science at Johns Hopkins and The George Washington University and who was a practicing lawyer before he took up the work of Political Science, closes the article with:

"The aim of the scientific study of matters political is to furnish, in last result, an intelligent answer to two questions: What functions shall be exercised by the State; and, How shall the Government of the State be organized in order best to perform the duties that are laid upon it? The Government performs its functions through the issuance of commands termed laws. These are expressions of the sovereign will of the State, viewed as a political person. In so far as these rules relate to the form of government that shall exist, and state the powers and responsibilities of the agents who are to operate it, they are termed constitutional. When they relate to the details of executive action they are named administrative. The rules of conduct which control the relations of States to one another, though differing in essential respects from municipal laws, are yet so similar to them that they lend themselves to, and require, the same sort of scientific treatment. These three kinds of laws—constitutional, administrative, and international—are so directly concerned with the State and its interests, that they are universally recognized to demand academic treatment as branches of Political Science.

Those laws which determine the respective rights and duties which obtain between individuals, and which are therefore termed Private, are nevertheless, being commands of the State, as much political as are the so-celled Public Laws. And for a mastery of their principles there is needed the same scientific, philosophical treatment, the use of the same historical, comparative, and analytical methods. In Europe law, public and private, ranks as one of the four great faculties into which the Universities are divided—medicine, theology, and philosophy constituting the other three. In this country the general practice has been to furnish instruction in private law in purely professional schools. The tendency here is, however, in the direction of the continental practice. The larger and better law schools exist as integral parts of our universities, and their relations to the other academic departments are being drawn continually closer. In a number of institutions students are permitted to take law courses which count toward the A. B. degree, and at the same time, toward the LL. B. degree, if, after graduation, the law course is pursued. Law students, also, are permitted to select certain lectures in the academic departments.

"Certain it is, that, with the increase in the functions of the State, with the development especially of the police powers, and of the legal regulation of public service corporations, and the so-called industries affected with a public interest, a knowledge of the principles of the private law is of increasing importance to the student of Political Science. Reciprocally, with the increase in the complexity of industrial and political conditions, the legislator and the lawyer stand in greater need of the aid which the political scientist alone can give them. It is to be hoped that from both sides this mutuality of interest will be recognized and acted upon."

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"Every man is the architect of his own fortunes," the trouble being that so many of us draw bum plans.